



# DRAFT DUNGOG SHIRE PLANNING PROPOSAL FRAMEWORK

Dungog Shire Council 2025



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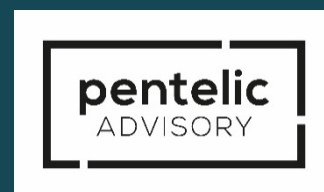
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## Acknowledgement of Country

Dungog Shire Council acknowledges the Traditional Owners and Cultural Custodians of Country in the Dungog Shire, including the Gringai, Geawegal / Gaewal, Wanaruah / Wonnarua, and Worimi peoples.

We pay our respect to Elders past, present and emerging.

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# 1 Introduction

## 1.1 Purpose

The purpose of this draft Planning Proposal Assessment Framework (Framework) is to provide clear, practical guidance to landowners and developers when preparing Planning Proposals (PPs) to amend the Local Environmental Plan (the LEP).

This draft Framework is designed to help applicants understand Council's expectations, streamline the preparation process, and improve the quality and completeness of proposals submitted. By outlining the assessment criteria, processes, and supporting information required, it ensures that proposals are considered consistently, transparently, and efficiently.

This draft Framework provides certainty about the planning process, highlights the key issues that Council will consider, and supports better outcomes for both the applicant and the broader community. Ultimately, it aims to facilitate well-planned development that aligns with the Shire's strategic objectives while protecting local character, environmental values, and community amenity.

## 1.2 What is a Planning Proposal?

A planning proposal is a document that explains the intended effect of, and justification for, a proposed change to an LEP. A planning proposal is the process undertaken to effect a change to the LEP such as a change to a land use zone or rezoning, heritage listing, clauses, or maps.

An applicant or consultant can prepare a planning proposal and submit it to Council via the NSW Planning Portal (fees apply) and Council may also initiate planning proposals.

However, Council and the NSW Department of Planning, Housing and Infrastructure (DPHI) must endorse a planning proposal for it to take effect.

This draft Planning Proposal Assessment Framework details how we process planning proposals and the type of additional information that may be required.

If you plan to prepare a Planning Proposal, you should:

- consult the DPHI's *Local Environmental Plan Making Guideline*,
- attend a required pre-lodgement meeting with Council's Strategic Planning team; and then,
- Lodge the planning proposal via the NSW Planning Portal

Council will issue an invoice for the commencement fee following the lodgement of the Planning Proposal on the NSW Planning Portal.

## 1.3 Planning Proposal process

The six key stages of a Planning Proposal process are:

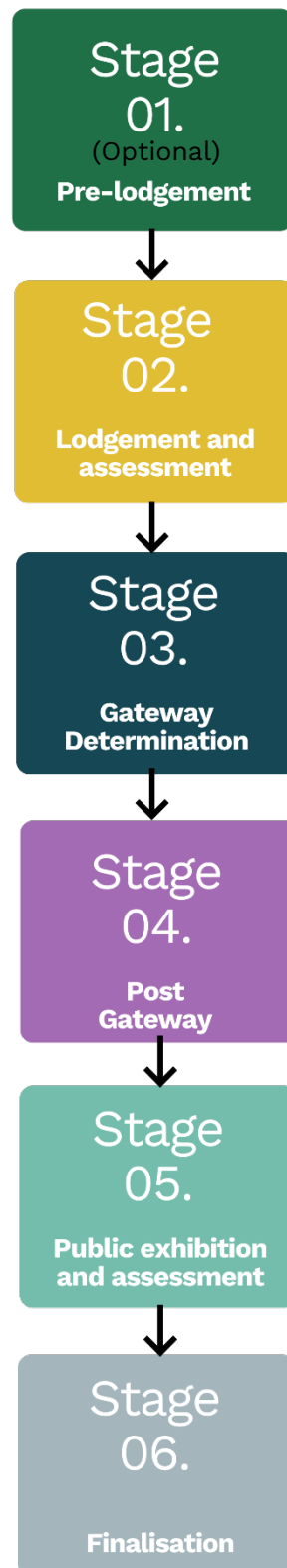
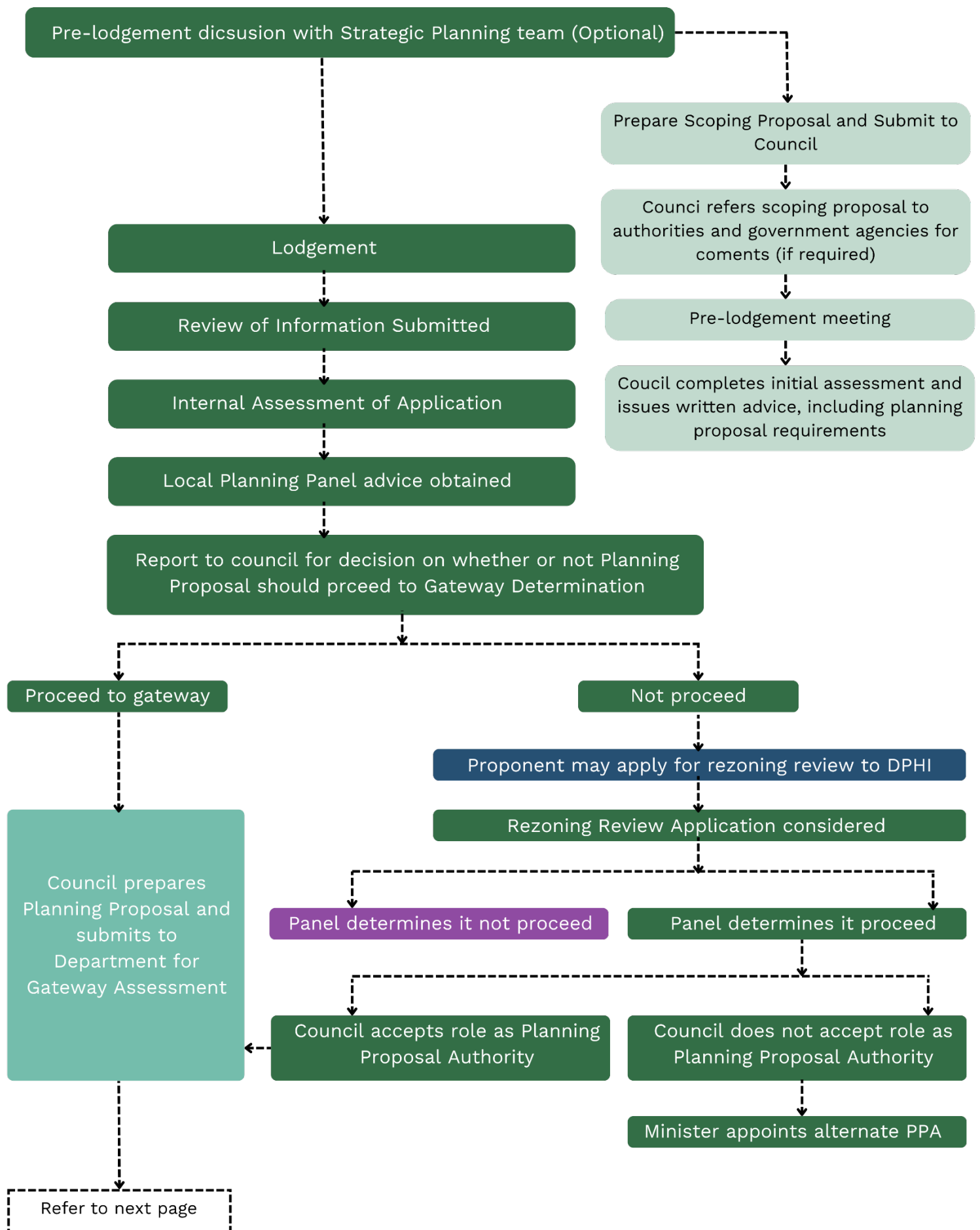
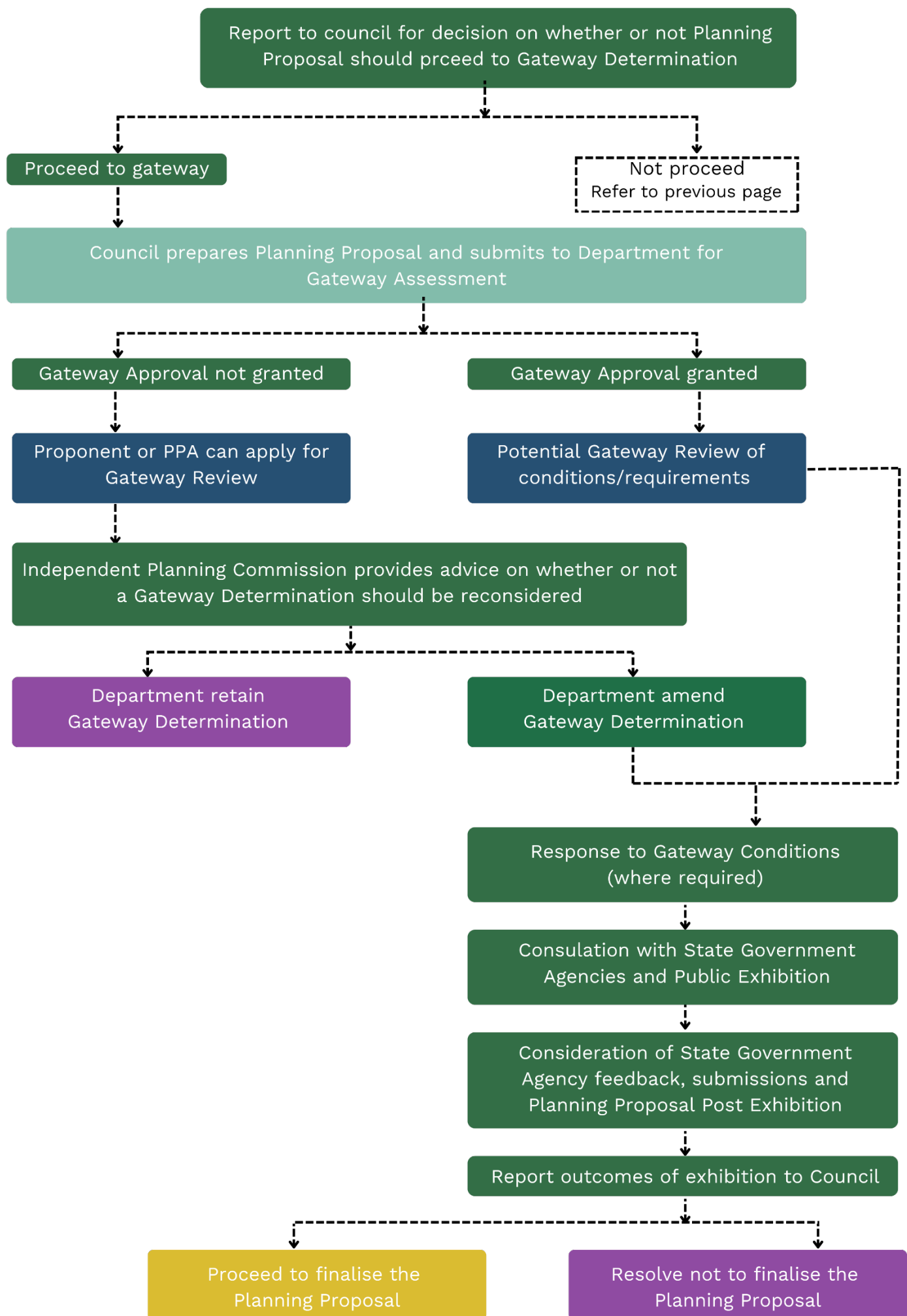


Figure 1: Planning Proposal process





## 2 Structure of Planning Proposal

A planning proposal must be prepared in accordance with DPHI's Local Environmental Plan Making Guideline and relevant legislative requirements. This means the proposal should clearly explain the intended changes to the LEP, why the changes are needed, and how they align with strategic planning objectives.

The planning proposal should include enough information for Council and DPHI to assess the proposal, including site details, changes to the LEP (including clauses or maps) and an assessment on any potential impacts on the environment, infrastructure, and the community. It should also outline how the proposal meets local and regional planning strategies, include supporting studies, and where required, a draft development control plan (DCP) and draft Voluntary Planning Agreement (VPA). Where infrastructure upgrades are required the planning proposal should demonstrate how those upgrades will be delivered, funded and staged.

Applicants are encouraged to consult with Council's Strategic Planning team before lodgement to clarify requirements and ensure the proposal is complete. Once prepared, the planning proposal must be lodged via the NSW Planning Portal, after which Council and DPHI will assess it against the Gateway requirements before it can proceed to public exhibition and final approval.

In short, following the guidelines and legislative requirements helps ensure the planning proposal is properly prepared, meets all statutory requirements, and can be assessed efficiently.



### 3 Key Strategic Considerations and Assessment Criteria

All planning proposals will be assessed against the strategic framework that is in force at the time of assessment. To demonstrate strategic merit, an application must establish consistency with the following Strategic Planning documents, including but not limited to:

- Hunter Regional Plan 2041
- Hunter Strategic Regional Integrated Transport Plan
- Upper Hunter Employment Lands Strategy (2023)
- Community Strategic Plan 2025-2025
- Draft Local Strategic Planning Statement (2025)
- Draft Local Housing Strategy (2025)
- Draft Rural Lands Strategy (2025)

- Draft Dungog Strategic Centre Structure Plan (2025)
- Clarence Town Structure Plan (2025)
- Draft Infrastructure Capacity and Prioritisation Plan (2026)

Where a proposal seeks to justify an inconsistency with any of the above Plans and Strategies, it must clearly establish how the proposal will result in a superior planning outcome and community benefit. Planning Proposals should also indicate how they give effect to the outcomes and strategies within Council's Community Strategic Plan. Planning proposals should also have regard to the relevant State Environmental Planning Policies, Section 9.1 Ministerial Directions, the LEP and DCP.



Image Source: Flow Mountain Bike

## 3.1 Timeframes for Processing Planning Proposals

The Environmental Planning and Assessment (Statement of Expectations) Order 2024 stipulates requirements for Councils to comply with when processing planning proposals.

If a council does not meet the Minister's Expectations under this order, the Minister may exercise powers under s9.6(1)(b) of the Act and appoint a planning administrator or a regional panel to exercise Council functions.

The Local Environmental Plan Making Guideline stipulates categories for types of Planning Proposals and benchmark timeframes for the consideration and determination of Planning Proposals.

Council is expected to determine whether or not a Planning Proposal Application will proceed to Gateway Determination within the benchmark timeframes included in the following figure, or the Proponent may request a Rezoning Review. Council's adopted Fees and Charges identify Planning Proposal categories consistent with the Guideline and provide for corresponding fees.



The order states:

"A council should:

- A** Decide whether to support a proponent-initiated planning proposal and submit it for gateway determination within the "planning proposal" stage benchmark timeframes in the LEP Making Guideline.
- B** As the Planning Proposal Authority, publicly exhibit a planning proposal, respond to submissions, and either resolve to use Local Plan Making Authority delegations or request the Department to make the plan within the "public exhibition and assessment" stage benchmark timeframes set out in the LEP Making Guideline.
- C** As Local Plan Making Authority, make a LEP which has been delegated to council within the "finalisation" stage benchmark timeframes set out in the LEP Making Guideline."

The benchmark timeframes in the Guideline are shown below:

Stage	Maximum Benchmarking Timeframes (working days)			
	Basic	Standard	Complex	Principal
<b>Stage 1- Pre-lodgement</b>	30 days	50 days	60 days	20-30 days
<b>Stage 2- Planning Proposal</b>	80 days	95 days	120 days	40 days
<b>Stage 3- Gateway determination</b>	25 days	25 days	45 days	45 days
<b>Stage 4- Post- Gateway</b>	20 days	50 days	70 days	160 days
<b>Stage 5- Public exhibition &amp; Assessment</b>	70 days	95 days	115 days	95 days
<b>Stage 6- Finalisation</b>	25 days	55 days	70 days	80 days
<b>Sub-total (Department target)</b>	140 working days	225 working days	300 working days	380 working days
<b>Total (end to end)</b>	220 days	320 days	420 days	420 days

*Note: Department target of 380 working days is measured from Stage 3- Stage 6 (inclusive).*



## 4 Planning Proposal principles

Planning proposals play an important role in shaping how and where future development occurs across Dungog Shire. To ensure that land use change supports the community's long-term vision, all proposals must demonstrate strategic and site-specific merit. The following principles provide a consistent framework for assessing planning proposals, ensuring that growth and diversification occur in a coordinated, sustainable and locally appropriate way.

The planning proposal principles have been drawn from a range of existing strategic documents and statutory frameworks that guide land use decisions across Dungog Shire. These include the Local Strategic Planning Statement (LSPS), Rural Lands Strategy (RLS), Local Housing Strategy (LHS), Infrastructure Capacity and Prioritisation Plan (ICPP), and the Structure Plans for Dungog and Clarence Town. In addition, several principles reflect requirements from the State Government's Local Planning Directions and strategies, including the Hunter Regional Plan 2041.



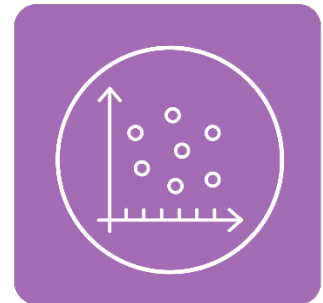
Principles for employment and industrial planning proposals which align with the forthcoming Statewide Industrial Lands Policy and emerging employment trends.



Principles for planning proposals on land with environmental constraints e.g. flood prone land, bushfire prone land.



Principles for planning proposals on rural lands.



Principles for residential planning proposals seeking greater densities.



## 4.1 Employment and industrial planning proposals

Planning proposals that seek to enable employment, or industrial uses must support the creation of a diverse, resilient and sustainable local economy. These principles provide a framework to guide proposals that facilitate business growth, local job creation, and value-adding to the Shire's rural industries.

Proposals should demonstrate that new employment or industrial development is strategically located, well-serviced, and compatible with surrounding land uses. They should also protect environmental values and rural character, while encouraging innovation, small-scale enterprises, and industries that strengthen Dungog Shire's economic base and community wellbeing.



## Planning Principle

01.

### **Support local employment growth**

Facilitate opportunities for job creation that align with Dungog Shire's rural and small-town character, supporting local businesses and emerging industries. These should be suited to the Shire's infrastructure capacity, workforce and transport networks.

02.

### **Protect productive and resource lands**

Ensure employment and industrial uses do not encroach on agricultural, environmental, or scenic landscape areas.

03.

### **Promote diversification of the local economy**

Planning proposals on existing main streets will accommodate new commercial activity unless it forms part of a proposed new residential area or is an activity that supports existing town and village centres.

04.

### **Locate employment lands strategically**

Focus employment and industrial development near towns, villages, and transport corridors to maximise accessibility and infrastructure efficiency.

05.

### **Maintain amenity and manage land use conflicts**

Ensure site design, buffers, and operations protect the amenity of nearby residential and rural areas and minimise land use conflicts.

06.

### **Support sustainable and low-impact operations**

Encourage environmentally responsible design, renewable energy use, and efficient water and waste management in industrial developments.

07.

### **Plan for infrastructure readiness**

Align employment and industrial growth with available and planned enabling infrastructure to ensure development can occur in a coordinated and cost-effective manner. A funding mechanism and staging plan for enabling infrastructure should also be provided.



## 4.2 Environmental constraint lands planning proposals

Planning proposals affecting environmentally constrained lands must prioritise the protection of environmental values, ecological function, and landscape integrity. These principles provide a framework to guide proposals where land is affected by biodiversity, flooding, bushfire, steep slopes, or other natural constraints.

Any proposal seeking to enable additional development potential must clearly demonstrate that environmental risks can be avoided, minimised, or appropriately mitigated, and that the proposal will not compromise the Shire's natural assets or resilience to climate change. Development should be located and designed to work with the landscape, protecting waterways, vegetation, and scenic qualities that underpin Dungog Shire's rural character and environmental health.

## Planning Principle

01.

### **Avoid high-risk or sensitive areas**

Direct development away from land affected by high risk flooding, bushfire, steep slopes, or areas of high biodiversity or scenic value, unless suitably justified by technical studies.

02.

### **Protect environmental and landscape values**

Conserve native vegetation, waterways, and ridgelines that contribute to Dungog Shire's natural character, ecological health, and rural landscape identity.

03.

### **Safeguard drinking water catchments**

Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect on water quality.

04.

### **Manage and mitigate flood risk**

Avoid intensifying land use within flood-prone areas and require site planning and building design that minimise flood hazard, protect life and property, and maintain natural floodplain functions.

05.

### **Support ecological connectivity**

Maintain and restore habitat corridors and ecological linkages to enhance biodiversity and climate resilience across the Shire.

06.

### **Adopt low-impact and adaptive design**

Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.

07.

### **Integrate water and soil management**

Implement best-practice erosion control, stormwater treatment, and soil stabilisation to protect catchments, creeks, and agricultural productivity.

08.

### **Ensure evidence-based assessment**

Require comprehensive environmental studies to inform zoning and land use decisions, ensuring that environmental risks and cumulative impacts are properly understood and managed.



## 4.3 Planning proposals on rural lands

Planning proposals affecting rural lands in Dungog Shire must demonstrate that any change to land use or zoning supports the long-term sustainability and productivity of the rural environment. These principles provide a framework for proposals that seek to vary existing rural planning controls, including where rural land is proposed to transition to residential use. Proposals must show that land is suitable for development, is consistent with the established settlement hierarchy, and can be serviced in an efficient and coordinated manner.

They should protect agricultural capability, environmental values, and landscape character, while enabling appropriate rural diversification and growth where suitable. Any proposal to introduce residential uses on rural land must demonstrate that it aligns with the draft Local Housing Strategy, will not fragment productive land, increase land use conflict, or erode the scenic qualities that define the Shire. Instead, proposals should contribute to sustainable settlement patterns, support community wellbeing, and reinforce the Shire's economic and environmental resilience.

## Planning Principle

01.

### **Protect Agricultural Productivity**

Rural land underpins Dungog Shire's economy. Planning proposals should avoid fragmenting productive farmland, particularly the fertile floodplains of the Williams and Paterson Rivers, and ensure that agricultural operations can continue without interference. Maintaining productive land supports food security, farm viability, and the long-term economic base of the Shire.

02.

### **Maintain Rural Character and Scenic Landscapes**

The Shire's open spaces, rolling hills, and river valleys define its identity. Development should respect the visual and cultural character of rural areas, blending with the landscape and preserving the sense of openness that contributes to the Shire's appeal.

03.

### **Encourage Sustainable and Compatible Land Uses**

Development in rural areas should complement existing land uses, avoiding conflicts with agriculture or environmental values. Proposals should consider impacts such as noise, dust, traffic, and biosecurity risks, and include measures to mitigate these effects.

04.

### **Protect Environmental Values and Biodiversity**

Rural land often includes waterways, wetlands, bushland, and habitat corridors. Proposals should safeguard these assets by maintaining vegetation cover, protecting riparian zones, and minimizing impacts on threatened species, ecosystems, and water quality.

05.

### **Plan for Resilience to Natural Hazards**

Given the Shire's exposure to bushfire, flood, and storms, development should avoid high-risk areas where possible and incorporate design features that enhance resilience. This ensures rural communities, properties, and infrastructure are better protected from natural disasters.

06.

### **Support Infrastructure Efficiency and Access**

Proposals should align with the capacity of existing rural infrastructure, including roads, water, electricity, and telecommunications, and plan for cost-effective upgrades where necessary. Efficient infrastructure supports both existing agricultural activities and new rural-based enterprises.



## Planning Principle

07.

### **Ensure Sensible Conversion of Rural Land and Minimise Land Use Conflict**

Planning proposals to expand rural town and village growth boundaries will be supported by an assessment prepared in accordance with the Department of Primary Industries' Land Use Conflict Risk Assessment Guide to limit or avoid conflicts between residential uses and agricultural activities.

08.

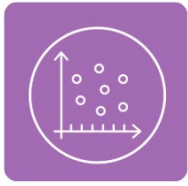
### **Diversify Economic Opportunities**

Planning proposals should build on strategic advantages and support existing and emerging rural enterprises and activities. The intensification and diversification of on-farm agricultural activities like farm stays, camping or farm gate trails should be encouraged, along with larger visitor facilities and events that complement rural activities and landscapes.

09.

### **Enhance Community and Cultural Values**

Proposals should respect local heritage, Aboriginal cultural sites, and the values of rural communities. Development should contribute positively to the social and cultural fabric of the Shire, supporting employment, recreation, and tourism opportunities where appropriate.



## 4.4 Principles for residential planning proposals seeking greater densities

In the rural context of Dungog Shire, proposals seeking greater residential densities must demonstrate that growth will occur in a manner that complements the Shire's rural character, landscape setting, and settlement hierarchy. These principles provide a framework to guide how higher-density or more compact housing forms can be sensitively integrated within and around existing towns and villages.

Proposals should ensure that increased density supports housing diversity, efficient use of existing infrastructure, and the ongoing viability of local services, while safeguarding the agricultural, environmental, and scenic values that define Dungog Shire's rural character.

## Planning Principle

01.

### **Protect Rural Character and Village Identity**

Residential development should respect the Shire's unique rural setting and the character of its towns and villages. This means new housing should be sympathetic in scale, form, and materials, and consider the local heritage and landscape values that make Dungog special.

02.

### **Support Compact and Connected Communities**

Growth should be focused around existing towns and villages to make the most of established infrastructure and services (including planned and funded infrastructure). Concentrating development helps strengthen local centres, improves access to shops, schools, and community facilities, and avoids unnecessary sprawl into rural or environmentally sensitive areas.

03.

### **Resilience to Natural Hazards**

Given Dungog Shire's exposure to bushfire, flood, and storm events, new housing needs to be designed to withstand these risks. Planning should avoid high-risk areas where possible and incorporate resilient design measures where development is appropriate, helping communities recover more quickly from natural disasters.

04.

### **Environmental Stewardship and Biodiversity**

Residential planning should safeguard environmentally sensitive areas, waterways, and biodiversity corridors. Incorporating buffers, green spaces, and water-sensitive urban design not only protects the natural environment but also improves the amenity and liveability of new communities.

05.

### **Safeguard Agricultural Land and Productivity**

New housing should protect and maintain productive farmland by safeguarding land for ongoing agricultural use. Planning should ensure rural land remains available for farming, incorporating appropriate buffers and land management practices that support continued agricultural activity and long-term soil productivity.

**Planning  
Principle**

06.

**Diverse and Affordable Housing Options**

To support a thriving and inclusive community, planning should allow for a range of housing types, including smaller dwellings, secondary dwellings, and adaptable homes for older residents. This ensures people at different life stages and income levels can find suitable housing within the Shire.

07.

**Sustainable Infrastructure and Services**

New housing should align with the capacity of existing infrastructure, including roads, water, sewerage, schools, and health services. Where growth is planned and infrastructure is required to be upgraded to support growth, upgrades should be funded and staged in a cost-effective manner to avoid overburdening the community and ensure long-term sustainability.

08.

**Community Benefit and Liveability**

Residential development should enhance the overall liveability of the Shire. This includes access to open space, walkable streets, local services, and community facilities. Proposals should reflect the values and aspirations of the Dungog community, supporting both social connection and a high quality of life.



## 5 Community Consultation

Consultation with the Community will be undertaken in accordance with requirements under the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulations 2000 and Council's Community Engagement and Participation Strategy.

A Planning Proposal will be exhibited concurrently with any associated draft Voluntary Planning Agreement or draft Development Control Plan.





## 6 Probity and Proper Conduct

In accordance with the Statement of Business Ethics, Council will ensure all its business relationships are ethical, fair and consistent. Anyone 'doing business with Council' (including all applicants, political lobbyists, consultants and owners) must act ethically, fairly and honestly in all dealings with the Council. Engagement with Councillors or Council Officers should be undertaken in accordance with the Statement of Business Ethics and this Planning Proposal Policy.

In accordance with the Environmental Planning and Assessment Act 1979, political donations and gifts are to be disclosed when planning proposals are lodged and at any point during the process if any component of the disclosure changes during this period.

A disclosure is required to be made by a person who makes a relevant planning application to Council to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- a. all reportable political donations made to any local Councillor of that council.
- b. all gifts made to any local Councillor or employee of that council.

If no disclosures need to be made the Political Gifts and Donations Form declaring that there are nil disclosures must be lodged with a Planning Proposal Application. Throughout the planning proposal process, Council reserves the right to request a new or revised Political Gifts and Donations Form.

In accordance with Council's Code of Conduct, Councillors are required to ensure that land use planning decisions are properly made in a fair and transparent manner. Decisions on planning matters are made in the public Council Meeting forum. The Code of Conduct and the Statement of Business Ethics are available on Council's website. Any concerns relating to Probity or Conduct should be directed to Council's General Manager by telephone or in writing.





Image Source: Persona Communications



# 7 Associated Documents

## Associated Documents Strategic Documents:

- Hunter Regional Plan 2041
- Hunter Strategic Regional Integrated Transport Plan
- Upper Hunter Employment Lands Strategy (2023)

## Council Documents:

- Community Strategic Plan 2025- 2025
- Draft Local Strategic Planning Statement (2025)
- Draft Local Housing Strategy (2025)
- Draft Rural Lands Strategy (2025)
- Draft Dungog Strategic Centre Structure Plan (2025)
- Clarence Town Structure Plan (2025)
- Draft Infrastructure Capacity and Prioritisation Plan (2025)
- Dungog Open Space and Recreation Plan (2022)
- Delivery Program 2025-2029 and Operational Plan 2025- 2026
- Dungog Economic Development Plan 2022-2026

# Appendices

# Appendix A: Acronyms

Table 1 Acronyms

Term	Full Forms
<b>DCP</b>	Development Control Plan
<b>LEP</b>	Local Environmental Plan
<b>DPHI</b>	Department of Planning, Housing and Infrastructure
<b>LEP</b>	Local Environmental Plan
<b>LHS</b>	Local Housing Strategy
<b>LSPS</b>	Local Strategic Planning Statement
<b>NSW</b>	New South Wales
<b>PP</b>	Planning Proposal
<b>RLS</b>	Rural Lands Strategy
<b>SEPP</b>	State Environmental Planning Policy
<b>VPA</b>	Voluntary Planning Agreement



# Appendix B: Definitions

Table 2 Definitions

Term	Definitions
<b>Act</b>	<i>Environmental Planning and Assessment Act 1979 (NSW).</i>
<b>Council</b>	Dungog Shire Council.
<b>Development Control Plan</b>	A document prepared by a council under the <i>Environmental Planning and Assessment Act 1979</i> that provides detailed planning and design controls to guide development. It supports the objectives of the Local Environmental Plan and helps ensure high-quality, context-appropriate outcomes.
<b>Environmental Planning Instrument</b>	The same meaning as the Act.
<b>Instrument change</b>	A change to an Environmental Planning Instrument.
<b>Minister</b>	The Minister for Planning and Public Spaces, New South Wales.
<b>Regulations</b>	The <i>Environmental Planning and Assessment Regulation 2021</i> .
<b>Planning Proposal Application</b>	An application prepared and lodged with Council which seeks to facilitate an Instrument Change in accordance with the NSW Department of Planning, Housing and Infrastructure's 'Local Environmental Plan Making Guideline'.
<b>Proponent</b>	A person who has sought a change to an environmental planning instrument.
<b>Voluntary Planning Agreement</b>	A legal agreement between a developer and a planning authority under the <i>Environmental Planning and Assessment Act 1979</i> . It allows developers to voluntarily provide public benefits such as infrastructure, affordable housing, or open space to support development outcomes.



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